

State of Arizona
House of Representatives
Forty-ninth Legislature
Second Regular Session
2010

House Engrossed
FILED
KEN BENNETT
SECRETARY OF STATE

CHAPTER 73

HOUSE BILL 2539

AN ACT

AMENDING SECTION 26-168, ARIZONA REVISED STATUTES; RELATING TO MILITARY
EMPLOYMENT RIGHTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 26-168, Arizona Revised Statutes, is amended to
3 read:

4 26-168. Absence from employment for military duty; vacation and
5 seniority rights; violation; classification

6 A. An employer shall not refuse to permit members of the national
7 guard OR THE UNITED STATES ARMED FORCES RESERVES to take leaves of absence
8 from employment for the purpose of complying with competent orders of the
9 state or United States for active duty, or to attend camps, maneuvers,
10 formations or armory drills. The leaves of absence shall not affect vacation
11 rights ~~which~~ THAT employees otherwise have, except that an employer need not
12 consider the period of absence as a period of work ~~performed for him~~ in
13 determining eligibility for vacation and the amount of vacation pay to which
14 the employee is entitled.

15 B. A member of the national guard OR THE UNITED STATES ARMED FORCES
16 RESERVES shall not lose seniority or precedence while absent under competent
17 military orders. ~~Upon~~ ON return to employment the employee shall be returned
18 to ~~his~~ THE EMPLOYEE'S previous position, or to a higher position commensurate
19 with ~~his~~ THE EMPLOYEE'S ability and experience as seniority or precedence
20 would ordinarily entitle ~~him~~ THE EMPLOYEE.

21 C. An officer or employee of the THIS state, or any department or
22 political subdivision thereof OF THIS STATE, who is a member of the national
23 guard OR THE UNITED STATES ARMED FORCES RESERVES shall be entitled to leave
24 of absence PURSUANT TO SECTION 38-610 from ~~his~~ THE INDIVIDUAL'S duties
25 without loss of time or efficiency rating on all days during which ~~he~~ THE
26 INDIVIDUAL is engaged in field training as provided by this chapter, and for
27 a period during leave of absence not to exceed thirty days in any two
28 consecutive years ~~he shall be~~ THE INDIVIDUAL IS entitled to ~~his~~ pay. For
29 purposes of this section, an officer or employee shall not be charged
30 military leave for days on which the individual was not otherwise scheduled
31 for work.

32 D. When ordered by the governor to perform training or duty under this
33 section or section 26-171, subsection C, section 26-172 or SECTION 26-175,
34 members of the Arizona national guard shall have the protections afforded to
35 persons on federal active duty by the soldiers and sailors civil relief act
36 of 1940 (54 Stat. 1178; — 50 United States Code Annotated App. sections 501
37 through 548 and 560 through 591)— and by the uniformed services employment
38 and reemployment rights act of 1994 (108 Stat. 3149; — 38 United States Code
39 Annotated sections 4301 through 4333).

40 E. A person violating any provision of subsection ~~A~~ or B of this
41 section is guilty of a class 3— 1 misdemeanor. THE COUNTY ATTORNEY SHALL
42 PROSECUTE VIOLATIONS OF THIS SECTION IN SUPERIOR COURT.

APPROVED BY THE GOVERNOR APRIL 16, 2010.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 19, 2010.